

REMARKS/ARGUMENTS

The office action of February 29, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-20 and 23-24 remain in this application. Claims 1-3, 9-11, 16, 17, 23, and 24 have been examined. Claims 4-8, 12-15, and 18-20 are withdrawn.

Claims 1-3, 9-11, 16, 17, 23, and 24 stand rejected under 35 USC 102(e) as anticipated by WO 03/055860. This rejection is respectfully traversed.

The WO document discloses compounds having $R^5 = \text{"amido"}$ whereas the instant claimed compounds contain the group $X-C(=O)-CH(R_3)-NH-C(=O)-$ where X is $-OR_4$ or NR_4R_5 . Therefore the group of the instant claims is either a composite "ester- $CH(R_5)$ -amido-" group or a composite "amido- $CH(R_5)$ -amido-" group. The disclosure of $R^5 = \text{"amido"}$ in the WO document is not a disclosure of either of those composite amido groups.

The Office Action refers to page 36, lines 8-16, of the WO document which discloses that $R^5 = -C(=O)R^1R^2$. However that passage states that R^1 and R^2 are "amino substituents, as defined for amino groups." See the paragraph bridging pages 90 and 91 which defines the amino substituents. Nowhere in this definition is it stated that R^1 or R^2 may be an "ester- $CH(R^5)$ -" or "amido- $CH(R^5)$ -" substituent of the type required by the instant claims. Hence, the WO document does not disclose even generally the composite groups required by the instant claims.

The Office Action also refers to the compound on page 232, lines 12-23. This passage is directed to a general synthesis of R^5 amides and shows nitrogen substituents R^1 and R^2 , as defined earlier in the specification (see discussion above). There is no indication that these substituents are defined differently. Thus the general synthesis does not disclose the composite amido groups required by the present claims.

None of the specific examples of the WO document are compounds having composite groups in the R^5 position as claimed. The Office Action refers to the compounds on page 233 (see also the compounds on page 234). All of the amide example compounds in the WO document are simple amides, with either no N-substituent or an alkyl or benzyl substituent.

Hence the WO document does not teach each and every element as required under 35 USC 102 and withdrawal of the instant rejection is requested.

CONCLUSION

If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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Dated: July 29, 2008

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